

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:06-cr-245

v.

HON. JANET T. NEFF

WILLIAM SERRANO DOMENECH,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant William Serrano Domenech has filed a motion for modification or reduction of sentence (Dkt 262) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 285) and Defendant has filed a Response (Dkt 288) and a Supplemental Response (291). The Government has also filed a Response (293) to the Sentence Modification Report.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

However, for the reasons articulated in the Court's Sentencing Memorandum (Dkt 186, filed 2/20/2008), and the Government's Response to the Sentence Modification Report (Dkt 293, filed

1/12/2016), the Court has determined that the defendant is ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission. The defendant is a danger to society and his conduct in prison suggests that he still has substance abuse problems as well as an affinity for dangerous weapons. His potential for recidivism remains high.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 262) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: January 26, 2016

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge